



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/586,722

06/05/2000

Robert I. G. McLean

C1197-991110

7897

26379

7590

07/28/2006

DLA PIPER RUDNICK GRAY CARY US, LLP
2000 UNIVERSITY AVENUE
E. PALO ALTO, CA 94303-2248

EXAMINER

TARAE, CATHERINE MICHELLE

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/586,722

Applicant(s)

MCLEAN ET AL.

Examiner

C. Michelle Tarae

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-18, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-18, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Non-Final Office Action in response to the communication received on May 5, 2006. Claims 1-5, 8-18, 21 and 22 are now pending in this application.

Response to Amendment

2. No claims have been amended or added.

Response to Arguments

3. Applicant's arguments were with regard to the secondary reference, Abraham et al. (U.S. 5,446,903). The arguments have been fully considered and were found persuasive. Accordingly, a new rejection is provided below with a new secondary reference.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 8-18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eder (U.S. 6,321,205) and Belani et al. (U.S. 6,944,777).

As per claim 1, Eder discloses a computer-implemented method of processing data relating to the performance of a business enterprise in creating value, comprising:

developing a data structure, by use of a computer system, including assumed variables that have an influence on a value stream of the business enterprise, the assumed variables in said data structure being arranged in a multi-level hierarchy in which assumed variables positioned at a lower level in the hierarchy influence one or more assumed variables positioned at a higher level in the hierarchy (col. 11, lines 15-63; The "Value of current-operation" is comprised of components revenue, expense and capital, which are further comprised of sub-components. Thus, the sub-components influence the components, which influence the value of current-operation.);

determining, by use of a computer system, a first outcome for the value stream of the business enterprise based upon the assumed variables (col. 12, lines 1-30; The component values are calculated to determine the operation value.);

authorizing a user to alter one or more of the assumed variables according to a level of the hierarchy in which the assumed variables are positioned (col. 20, lines 14-22; col. 21, line 34-col. 22, line 8; Users can alter the variables when performing the calculations.); and

determining a second outcome for the value stream of the business enterprise taking into account the altered assumed variables (col. 6, lines 44-64; col. 23, lines 12-15; The system allows the user to generate changes in the variables when performing the calculations.).

Eder does not expressly disclose authorizing a user to alter one or more of the assumed variables based on a level of authorization of the user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables. Belani et al. discloses controlling access to resources on a network based on a level of authorization of a user (col. 9, lines 31-40) and the level in the hierarchy in which a resource is in (col. 8, lines 21-31), where different levels of authorization have access to different levels of resources (col. 9, lines 1-4 and 11-24). The hierarchy of resources includes an inheritance in which resources at a higher level are considered as "parent nodes" to resources at a lower level in the hierarchy called "child nodes" and child nodes inherit the access list, or authorization levels of users, from their parent nodes (col. 8, lines 45-47 and 65-67). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art for the system of Eder to incorporate access control of its variables in its data processing system by granting authorization levels to each user for each assumed variable as taught by Belani et al. because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system.

As per claim 2, Eder discloses the method according to claim 1, wherein the first outcome includes a present financial value of the value stream (col. 12, lines 1-30; Revenue, expense and capital are indicative of financial value.).

As per claim 3, Eder discloses the method according to claim 1, wherein the first outcome includes a non-financial metric (col. 19, lines 27-30; Figure 5B; The first outcome can also include non-financial data.).

As per claim 4, Eder discloses the method according to claim 1, further comprising:

enabling each of a plurality of users to alter the assumed variables according to a level of the hierarchy in which the assumed variables are positioned (abstract; col. 20, lines 14-22; col. 21, line 34-col. 22, line 8; Figure 5A; Users can alter the variables when performing the calculations.);

storing, for each altered assumed variable, an identification of the user who made the alteration (col. 6, lines 44-64; col. 8, lines 1-30; col. 9, line 53-col. 10, line 1; col. 10, lines 6-18; Figures 4, 5A, 5B and 16; Users can track the changes they make in the system over time. User input is also stored in databases.); and

determining alternate outcomes for the value stream of the business enterprise taking into account selected aggregations of the altered assumed variables wherein the selected aggregations are formed according to the stored identifications (col. 6, lines 44-64; col. 20, lines 18-22; Figure 1; The system determines alternate outcomes based on the altered data.).

Eder does not expressly disclose authorizing each of a plurality of users to alter the assumed variables based on a level of authorization of each of the users and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables. Belani et al.

discloses controlling access to resources on a network based on a level of authorization of a user (col. 9, lines 31-40) and the level in the hierarchy in which a resource is in (col. 8, lines 21-31), where different levels of authorization have access to different levels of resources (col. 9, lines 1-4 and 11-24). The hierarchy of resources includes an inheritance in which resources at a higher level are considered as "parent nodes" to resources at a lower level in the hierarchy called "child nodes" and child nodes inherit the access list, or authorization levels of users, from their parent nodes (col. 8, lines 45-47 and 65-67). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art for the system of Eder to incorporate access control of its variables in its data processing system by granting authorization levels to each user for each assumed variable because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system.

As per claims 5 and 18, Eder discloses a computer-implemented method of processing data relating to the performance of a business enterprise in creating value, comprising:

developing a data structure, by use of a computer system, including a plurality of assumed variables that have an influence on a value stream of the business enterprise, wherein the assumed variables are arranged in a multi-level hierarchy in which assumed variables positioned at a lower level in the hierarchy influence one or more assumed variables positioned at a higher level in the hierarchy, the data structure having a portion which defines a base case scenario for the business enterprise (col.

Art Unit: 3623

11, lines 15-63; The "Value of current-operation" is comprised of components revenue, expense and capital, which are further comprised of sub-components. Thus, the sub-components influence the components, which influence the value of current-operation.);

determining, by use of a computer, an outcome for the value stream of the business enterprise based upon the assumed variables of the base case scenario (col. 12, lines 1-30; The component values are calculated to determine the operation value.);

storing each altered assumed variable in the data structure in association with an identifier of the user who made the alteration, and maintaining the assumed variables of the base case scenario unchanged by the plurality of users (col. 6, lines 44-64; col. 8, lines 1-30; col. 9, line 53-col. 10, line 1; col. 10, lines 6-18; Figures 4, 5A, 5B and 16; Users can track the changes they make in the system over time. User input is also stored in databases.);

aggregating selected ones of the altered assumed variables and selected ones of the assumed variables of the base case scenario in accordance with the stored identifiers to form one or more alternate scenarios (col. 11, lines 36-52; Resulting values can be added together to form alternate scenarios.); and

determining, by use of the computer system, an outcome for the value stream of the business enterprise based upon each of the alternate scenarios (col. 6, lines 44-64; col. 20, lines 18-22; Figure 1; The system determines alternate outcomes based on the altered data.).

Eder does not expressly disclose authorizing a plurality of users to alter one or more of the assumed variables based on a level of authorization of each user and a

level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables. Belani et al. discloses controlling access to resources on a network based on a level of authorization of a user (col. 9, lines 31-40) and the level in the hierarchy in which a resource is in (col. 8, lines 21-31), where different levels of authorization have access to different levels of resources (col. 9, lines 1-4 and 11-24). The hierarchy of resources includes an inheritance in which resources at a higher level are considered as "parent nodes" to resources at a lower level in the hierarchy called "child nodes" and child nodes inherit the access list, or authorization levels of users, from their parent nodes (col. 8, lines 45-47 and 65-67). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art for the system of Eder to incorporate access control of its variables in its data processing system by granting authorization levels to each user for each assumed variable because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system.

As per claims 8 and 21, Eder discloses the method according to claims 5 and 18, wherein the outcome of the base case scenario includes a present financial value of the value stream (col. 12, lines 1-30; Revenue, expense and capital are indicative of financial value.).

As per claim 9, Eder discloses the method according to claim 8, wherein the outcome of the base case scenario includes a non-financial metric (col. 19, lines 27-30; Figure 5B; The first outcome can also include non-financial data.).

As per claim 10, Eder discloses a computer-implemented method of processing data relating to the performance of a business enterprise in creating value, comprising:

developing a data structure, by use of a computer system, including a plurality of assumed variables that have an influence on a value stream of the business enterprise, the data structure having a portion which defines a base case scenario for the business enterprise (col. 11, lines 15-63; The "Value of current-operation" is comprised of components revenue, expense and capital, which are further comprised of sub-components. Thus, the sub-components influence the components, which influence the value of current-operation.);

determining, by use of a computer system, an outcome for the value stream of the business enterprise based upon the assumed variables of the base case scenario (col. 12, lines 1-30; The component values are calculated to determine the operation value.);

providing real-time feedback, by each of a plurality of users, on the value creation performance of the business enterprise (col. 20, lines 14-22; col. 21, line 34-col. 22, line 8; Users can alter the variables when performing the calculations.);

storing the real-time feedback in the data structure in association with an identifier of the user who provided each portion of the feedback, and maintaining the assumed variables of the base case scenario unchanged by the plurality of users (col. 6, lines 44-64; col. 8, lines 1-30; col. 9, line 53-col. 10, line 1; col. 10, lines 6-18; Figures 4, 5A, 5B and 16; Users can track the changes they make in the system over time. User input is also stored in databases.);

aggregating selected ones of the portions of the feedback and selected ones of the assumed variables of the base case scenario (col. 11, lines 36-52; Resulting values can be added together to form alternate scenarios.);

determining, by use of a computer system, an outcome for the value stream of the business enterprise based upon the selected ones of the portions of the feedback and the selected ones of the assumed variables of the base case scenario (col. 6, lines 44-64; col. 20, lines 18-22; Figure 1; The system determines alternate outcomes based on the altered data.).

Eder does not expressly disclose selectively authorizing a plurality of users to provide real-time feedback on the value creation performance of the business enterprise based on a level of authorization of each user, wherein only certain levels of authorization are permitted to provide real-time feedback. Belani et al. discloses controlling access to resources on a network based on a level of authorization of a user (col. 9, lines 31-40) and the level in the hierarchy in which a resource is in (col. 8, lines 21-31), where different levels of authorization have access to different levels of resources (col. 9, lines 1-4 and 11-24). The hierarchy of resources includes an inheritance in which resources at a higher level are considered as "parent nodes" to resources at a lower level in the hierarchy called "child nodes" and child nodes inherit the access list, or authorization levels of users, from their parent nodes (col. 8, lines 45-47 and 65-67). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art for the system of Eder to incorporate access control of its variables in its data processing system by granting authorization levels to each user

for each assumed variable because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system.

As per claim 11, Eder discloses the method according to claim 10, wherein the assumed variables are arranged in a multi-level hierarchy in which assumed variables positioned at a lower level in the hierarchy influence one or more assumed variables positioned at a higher level in the hierarchy (col. 11, lines 15-63; The “Value of current-operation” is comprised of components revenue, expense and capital, which are further comprised of sub-components. Thus, the sub-components influence the components, which influence the value of current-operation.).

Eder does not expressly disclose authorizing a plurality of users to alter one or more of the assumed variables based on a level of authorization of each user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables. Belani et al. discloses controlling access to resources on a network based on a level of authorization of a user (col. 9, lines 31-40) and the level in the hierarchy in which a resource is in (col. 8, lines 21-31), where different levels of authorization have access to different levels of resources (col. 9, lines 1-4 and 11-24). The hierarchy of resources includes an inheritance in which resources at a higher level are considered as “parent nodes” to resources at a lower level in the hierarchy called “child nodes” and child nodes inherit the access list, or authorization levels of users, from their parent nodes (col. 8, lines 45-47 and 65-67). Therefore, at the time of the invention it would have

been obvious to a person of ordinary skill in the art for the system of Eder to incorporate access control of its variables in its data processing system by granting authorization levels to each user for each assumed variable because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system.

As per claim 12, Eder discloses the method according to claim 10, wherein the outcome of the base case scenario includes a present financial value of the value stream (col. 12, lines 1-30; Revenue, expense and capital are indicative of financial value.).

As per claim 13, Eder discloses the method according to claim 10, wherein the outcome of the base case scenario includes a non-financial metric (col. 19, lines 27-30; Figure 5B; The first outcome can also include non-financial data.).

As per claim 14, Eder discloses a system for processing data relating to the performance of a business enterprise in creating value, comprising:

a memory device for storing a data structure including assumed variables that have an influence on a value stream of the business enterprise, the assumed variables in said data structure being arranged in a multi-level hierarchy in which assumed variables positioned at a lower level in the hierarchy influence one or more assumed variables positioned at a higher level in the hierarchy (col. 11, lines 15-63; The "Value of current-operation" is comprised of components revenue, expense and capital, which are further comprised of sub-components. Thus, the sub-components influence the components, which influence the value of current-operation.);

means for authorizing a user to alter one or more of the assumed variables according to a level of the hierarchy in which the assumed variables are positioned (col. 20, lines 14-22; col. 21, line 34-col. 22, line 8; Users can alter the variables when performing the calculations.);

a filter for selecting certain ones of the assumed variables and for selecting certain ones of the altered assumed variables (col. 12, lines 44-67; col. 16, lines 24-27; Figures 5A and 5B; The system selects certain variables for analysis and based on certain criteria may prompt the user for additional or altered data.); and

a calculation engine for receiving the certain ones of the assumed variables and the certain ones of the altered assumed variables from the filter and for determining an outcome for the financial value stream of the business enterprise based upon the certain ones of the assumed variables and the certain ones of the altered assumed variables (col. 6, lines 44-64; col. 23, lines 12-24; The system calculates the received variables and compares them with previously specified variables.).

Eder does not expressly disclose authorizing a user to alter one or more of the assumed variables based on a level of authorization of the user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables. Belani et al. discloses controlling access to resources on a network based on a level of authorization of a user (col. 9, lines 31-40) and the level in the hierarchy in which a resource is in (col. 8, lines 21-31), where different levels of authorization have access to different levels of resources (col. 9, lines 1-4 and 11-24). The hierarchy of resources includes an

inheritance in which resources at a higher level are considered as “parent nodes” to resources at a lower level in the hierarchy called “child nodes” and child nodes inherit the access list, or authorization levels of users, from their parent nodes (col. 8, lines 45-47 and 65-67). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art for the system of Eder to incorporate access control of its variables in its data processing system by granting authorization levels to each user for each assumed variable because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system.

As per claim 15, Eder discloses the system according to claim 14, wherein the outcome of the base case scenario includes a present financial value of the value stream (col. 12, lines 1-30; Revenue, expense and capital are indicative of financial value.).

As per claim 16, Eder discloses the system according to claim 14, wherein the outcome of the base case scenario includes a non-financial metric (col. 19, lines 27-30; Figure 5B; The first outcome can also include non-financial data.).

As per claim 17, Eder discloses the system according to claim 14, further comprising:

means for authorizing each of a plurality of users to alter the assumed variables according to a level of the hierarchy in which the assumed variables are positioned, wherein for each altered assumed variable, an identification of the user who made the alteration is stored in the data structure (abstract; col. 20, lines 14-22; col. 21, line 34-

col. 22, line 8; Figure 5A; Users can alter the variables when performing the calculations.);

means for determining alternate outcomes for the value stream of the business enterprise taking into account selected aggregations of the altered assumed variables wherein the selected aggregations are formed according to the stored identifications (col. 6, lines 44-64; col. 8, lines 1-30; col. 9, line 53-col. 10, line 1; col. 10, lines 6-18; col. 20, lines 18-22; Figure 1, 4, 5A, 5B and 16; The system determines alternate outcomes based on the altered data. Users can track the changes they make in the system over time. User input is also stored in databases.).

As per claim 22, Eder discloses the method according to claim 18, wherein the outcome of the base case scenario includes a non-financial metric (col. 19, lines 27-30; Figure 5B; The first outcome can also include non-financial data.).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Fletcher et al. (U.S. 7,010,681) discusses a system selecting encryption levels based on policy profiling;
- Williams (U.S. 7,069,437) discusses a multi-level security network;
- Williams (U.S. 6,304,973) discusses a multi-level security network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae (formerly, C. Michelle Colon) whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



C. Michelle Tarae
Patent Examiner
Art Unit 3623

July 22, 2006